

21 C.J.S. Courts § 251

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Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

VII. Records

§ 251. Operation and effect of court records

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  117

Records of a court constitute evidence of its official acts.

The courts of record speak only through their records,¹ which constitute the legal evidence of their official acts,² and not through their opinions³ or oral statements.⁴ A court's records are not to be lightly overturned.⁵

Court records are conclusive as to those matters to which those records relate,⁶ unless attacked for fraud,⁷ and may not be contradicted within the jurisdiction of the court,⁸ nor may they be collaterally impeached.⁹ Recitals in the record of a court are not, however, conclusive with regard to the existence of a fact that is essential to the court's jurisdiction.¹⁰

Parties to a lawsuit are on constructive notice of the contents of the court record.¹¹

Conflicts.

While it has been held that the minutes of a court prevail in the case of a conflict in the record, they do not prevail if it is clear that the facts are incorrectly stated in the minutes.¹² Where the opinion and journal of an appellate¹³ or trial¹⁴ court are in conflict, it has been held that the journal controls.

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Footnotes

- 1 Ind.—*In re M.S.*, 551 N.E.2d 881 (Ind. Ct. App. 1990).

Mich.—*Johnson v. White*, 430 Mich. 47, 420 N.W.2d 87 (1988).

Mo.—*State ex rel. Nassau v. Kohn*, 731 S.W.2d 840 (Mo. 1987).

Ohio—*Infinite Security Solutions, L.L.C. v. Karam Properties, II, Ltd.*, 143 Ohio St. 3d 346, 2015-Ohio-1101, 37 N.E.3d 1211 (2015).

Va.—*Rose v. Commonwealth*, 265 Va. 430, 578 S.E.2d 758 (2003).

W. Va.—*United Bank, Inc. v. Blosser*, 218 W. Va. 378, 624 S.E.2d 815 (2005).

Written orders
Mich.—*People v. Davie*, 225 Mich. App. 592, 571 N.W.2d 229 (1997).

Va.—*Austin v. Consolidation Coal Co.*, 256 Va. 78, 501 S.E.2d 161 (1998).

Presumption against intent to vacate
A court must speak through its written orders, and an appellate court may not presume an intent to vacate, modify, or amend an order in the absence of an express, specific, and written order.

Tex.—*In re Dryden*, 52 S.W.3d 257 (Tex. App. Corpus Christi 2001).
- 2 Mo.—*Cunio v. Franklin County*, 315 Mo. 405, 285 S.W. 1007 (1926).

N.C.—*In re T.B.*, 177 N.C. App. 790, 629 S.E.2d 895 (2006).
- 3 Mich.—*People v. Jones*, 203 Mich. App. 74, 512 N.W.2d 26 (1993).
- 4 Mich.—*People v. Jones*, 203 Mich. App. 74, 512 N.W.2d 26 (1993).

Mo.—*Thornton v. Deaconess Medical Center-West Campus*, 929 S.W.2d 872 (Mo. Ct. App. E.D. 1996).

Ohio—*Romano's Carryout, Inc. v. P.F. Chang's China Bistro, Inc.*, 196 Ohio App. 3d 648, 2011-Ohio-4763, 964 N.E.2d 1102, 75 U.C.C. Rep. Serv. 2d 610 (10th Dist. Franklin County 2011).
- 5 Ark.—*Dupree v. State*, 271 Ark. 50, 607 S.W.2d 356 (1980).
- 6 Ariz.—*Palmer v. Superior Court In and For Maricopa County*, 114 Ariz. 279, 560 P.2d 797 (1977).

Wis.—*Polichinski v. State*, 201 Wis. 577, 230 N.W. 713 (1930).

- 7 Ariz.—Palmer v. Superior Court In and For Maricopa County, 114 Ariz. 279, 560 P.2d 797 (1977).
- 8 Ala.—Taylor v. State, 20 Ala. App. 133, 101 So. 93 (1924).
Ky.—Simpson v. Antrobus, 260 Ky. 641, 86 S.W.2d 544 (1935).
Mich.—Burk v. Amos, 262 Mich. 332, 247 N.W. 197 (1933).
Mo.—Sisk v. Wilkinson, 305 Mo. 328, 265 S.W. 536 (1924).
Mont.—State v. Murphy, 68 Mont. 427, 219 P. 629 (1923).
Okla.—Wheeler v. State, 25 Okla. Crim. 365, 220 P. 962 (1923).
- 9 Ariz.—Funk v. Fillman, 44 Ariz. 263, 36 P.2d 574 (1934).
Kan.—State v. Collier, 259 Kan. 346, 913 P.2d 597 (1996).
Mo.—State ex rel. Spratley v. Maries County, 339 Mo. 577, 98 S.W.2d 623 (1936).
- 10 Cal.—Smith v. Superior Court in and for San Diego County, 64 Cal. App. 722, 222 P. 857 (2d Dist. 1923).
- 11 Utah—Reeves v. Steinfeldt, 915 P.2d 1073 (Utah Ct. App. 1996).
- 12 La.—State v. Sharlow, 493 So. 2d 213 (La. Ct. App. 5th Cir. 1986), writ denied, 496 So. 2d 329 (La. 1986).
- 13 Ohio—Will v. McCoy, 135 Ohio St. 241, 14 Ohio Op. 85, 20 N.E.2d 371 (1939).
- 14 Ohio—Economy Fire & Cas. Co. v. Craft General Contractors, Inc., 7 Ohio App. 3d 335, 455 N.E.2d 1037 (10th Dist. Franklin County 1982).